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US DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:10-cv-00439-FDW-DCK

LENDINGTREE, LLC, a Delaware limited)
liability company,)

Plaintiff,)

vs.)

VERDICT FORM

ZILLOW, INC., a Washington corporation;)
NEXTAG, INC., a Delaware corporation;)
and ADCHEMY, INC., a Delaware corpora-)
tion,)

Defendants.)

We the jury unanimously find:

I. FINDINGS ON PATENT INFRINGEMENT CLAIMS

1. Has Plaintiff LendingTree ("LendingTree") proven by a preponderance of the evidence that Zillow, Inc. ("Zillow") infringed any of the following claims?

"Yes" is a finding for LendingTree. "No" is a finding for Zillow.

U.S. Patent No. 6,385,594 ("the '594 patent")

Claim 1 Yes _____

No ☒

Claim 6 Yes _____

No ☒

U.S. Patent No. 6,611,816 ("the '816 patent")

Claim 1 Yes _____

No ☒

Claim 4 Yes _____

No ☒

Claim 5 Yes _____

No ☒

Claim 18	Yes _____	No <u>✓</u>
Claim 19	Yes _____	No <u>✓</u>
Claim 20	Yes _____	No <u>✓</u>
Claim 22	Yes _____	No <u>✓</u>
Claim 23	Yes _____	No <u>✓</u>
Claim 24	Yes _____	No <u>✓</u>

2. Has LendingTree proven by a preponderance of the evidence that Adchemy, Inc. ("Adchemy") infringed any of the following claims?

"Yes" is a finding for LendingTree. "No" is a finding for Adchemy.

U.S. Patent No. 6,611,816 ("the '816 patent")

Claim 1	Yes _____	No <u>✓</u>
Claim 4	Yes _____	No <u>✓</u>
Claim 5	Yes _____	No <u>✓</u>
Claim 22	Yes _____	No <u>✓</u>
Claim 23	Yes _____	No <u>✓</u>

3. Has LendingTree proven by a preponderance of the evidence that NexTag, Inc. ("NexTag") infringed any of the following claims?

"Yes" is a finding for LendingTree. "No" is a finding for NexTag.

U.S. Patent No. 6,611,816 ("the '816 patent")

Claim 1	Yes _____	No <u>✓</u>
Claim 4	Yes _____	No <u>✓</u>
Claim 5	Yes _____	No <u>✓</u>

Claim 22 Yes _____ No ✓
Claim 23 Yes _____ No ✓

II. FINDINGS ON WILLFUL INFRINGEMENT CLAIMS

Answer the following question only if you found the '594 patent and/or '816 patent are infringed by Zillow:

1. Has LendingTree proven, by clear and convincing evidence, that Zillow's infringement was willful?

Yes _____ No ✓

Answer the following question only if you found the '816 patent is infringed by Adchemy:

2. Has LendingTree proven, by clear and convincing evidence, that Adchemy's infringement was willful?

Yes _____ No ✓

Answer the following question only if you found the '816 patent is infringed by NexTag:

3. Has LendingTree proven, by clear and convincing evidence, that NexTag's infringement was willful?

Yes _____ No ✓

III. FINDINGS ON PATENT INVALIDITY DUE TO WRONG INVENTORSHIP

1. Has any one of the defendants proven, by clear and convincing evidence, that the '594 patent is invalid because it fails to identify the correct inventors?

Yes ✓ No _____

2. Has any one of the defendants proven, by clear and convincing evidence, that the '816 patent is invalid because it fails to identify the correct inventors?

Yes ✓ No _____

IV. FINDINGS ON PATENT INVALIDITY ON OTHER GROUNDS

1. Has any one of the defendants proven by clear and convincing evidence that any of the following claims of the '594 patent are invalid for any other reason?

"Yes" is a finding for Zillow. "No" is a finding for LendingTree.

Claim 1	Yes _____	No <input checked="" type="checkbox"/>
Claim 6	Yes _____	No <input checked="" type="checkbox"/>

2. Has any one of the defendants proven by clear and convincing evidence that any of the following claims of the '816 patent are invalid for any other reason?

"Yes" is a finding for Zillow, NexTag and/or Adchemy. "No" is a finding for LendingTree.

Claim 1	Yes _____	No <input checked="" type="checkbox"/>
Claim 4	Yes _____	No <input checked="" type="checkbox"/>
Claim 5	Yes _____	No <input checked="" type="checkbox"/>
Claim 18	Yes _____	No <input checked="" type="checkbox"/>
Claim 19	Yes _____	No <input checked="" type="checkbox"/>
Claim 20	Yes _____	No <input checked="" type="checkbox"/>
Claim 22	Yes _____	No <input checked="" type="checkbox"/>
Claim 23	Yes _____	No <input checked="" type="checkbox"/>
Claim 24	Yes _____	No <input checked="" type="checkbox"/>

V. FINDINGS ON DAMAGES FOR PATENT INFRINGEMENT (IF APPLICABLE)

Answer the following question only if you found that the '594 patent and/or '816 patent are infringed by Zillow and not invalid under section IV:

1. What is the amount of damages that you find LendingTree has proven, by a preponderance of the evidence, due to Zillow's infringement:

\$ _____

Write out the amount in words: _____

Answer the following question only if you found that the '816 patent is infringed by Adchemy and not invalid under section IV question 2:

2. What is the amount of damages that you find LendingTree has proven, by a preponderance of the evidence, due to Adchemy's infringement:

\$ _____

Write out the amount in words: _____

Answer the following two questions only if you found that the '816 patent is infringed by NexTag and not invalid under section IV question 2:

3. What is the amount of damages that you find LendingTree has proven, by a preponderance of the evidence, due to NexTag's infringement:

\$ _____

Write out the amount in words: _____

VI. FINDINGS ON INEQUITABLE CONDUCT

1. Has any one of the defendants proven, by clear and convincing evidence, that one or more of the inventors committed inequitable conduct?

"Yes" is a finding for Zillow, NexTag and/or Adchemy. "No" is a finding for LendingTree.

Yes _____

No ☒ _____

VII. FINDINGS ON ANTITRUST CLAIM

1. Has Zillow and/or Adchemy proven by clear and convincing evidence that either (1) LendingTree fraudulently procured either the '594 patent or the '816 patent, or (2) that LendingTree filed this lawsuit as a sham to interfere with any of its competitor's business.

"Yes" is a finding for Zillow and/or Adchemy. "No" is a finding for LendingTree.

Yes _____

No ☒ _____

2. Has Zillow and/or Adchemy proven, by a preponderance of the evidence, that LendingTree violated the antitrust laws by engaging in an unlawful attempt to monopolize?

"Yes" is a finding for Zillow and/or Adchemy. "No" is a finding for LendingTree.

Yes _____

No ☒ _____

VIII. FINDINGS ON DAMAGES FOR ANTITRUST (IF APPLICABLE)

Answer the following two questions only if your answers to the questions in section VII above are "Yes":

1. What is the amount of damages that you award to Zillow for LendingTree's violation of the antitrust laws:

\$ _____

Write out the amount in words: _____

2. What is the amount of damages that you award to Adchemy for LendingTree's violation of the antitrust laws:

\$ _____

Write out the amount in words: _____

CHECKING AND SIGNING OF VERDICT FORM

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Foreperson should then sign and date the verdict form in the spaces below and notify the Marshal that you have reached a verdict. The Foreperson should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

DATED: MARCH 12, 2014

